

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition to Revoke)
Probation Against:)**

ARKADY BORISOVICH GOLDSTEIN, M.D.)

Case No. 8002014003338

**Physician's and Surgeon's)
Certificate No. A47751)**

Respondent)

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on August 22, 2016

IT IS SO ORDERED August 15, 2016.

MEDICAL BOARD OF CALIFORNIA

**By: 
Kimberly Kirchmeyer
Executive Director**

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CHRISTINA L. SEIN
Deputy Attorney General
4 State Bar No. 229094
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-9444
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
Probation Against:

12 **ARKADY GOLDSTEIN, M.D.**

13 **Physician's and Surgeon's Certificate No.**
14 **A47751,**

15 Respondent.

Case No. 800-2014-003338

OAH No. 2015110663

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Christina L. Sein,
24 Deputy Attorney General.

25 2. Arkady Goldstein, M.D. (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.

27 ///

28 ///

3. On or about November 27, 1989, the Board issued Physician's and Surgeon's Certificate No. A47751 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2014-003338 and expired on June 30, 2015. The Physician's and Surgeon's Certificate is delinquent and has not been renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2014-003338 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 17, 2015. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2014-003338 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 800-2014-003338. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 800-2014-003338, agrees that cause exists for discipline and hereby

1 surrenders his Physician's and Surgeon's Certificate No. A47751 for the Board's formal
2 acceptance.

3 9. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
5 process.

6 **CONTINGENCY**

7 10. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and surrender, without notice to or participation by
10 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
11 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
12 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
13 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
18 thereto, shall have the same force and effect as the originals.

19 12. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following Order:

21 **ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A47751, issued
23 to Respondent Arkady Goldstein, M.D., is surrendered and accepted by the Medical Board of
24 California.

25 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
28 of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2014-003338 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-2014-003338 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

ARKADY GOLDSTEIN, M.D.
Respondent

[Endorsement on following page]

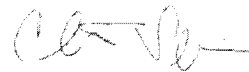
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 6/21/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



CHRISTINA L. SEIN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 800-2014-003338

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CHRISTINA L. SEIN
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5 300 So. Spring Street, Suite 1702
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 17 2015
BY K. Voong ANALYST

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 800-2014-003338

13 **ARKADY GOLDSTEIN, M.D.**
14 **5298 Lindley Avenue**
Encino, CA 91316

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's Certificate No.**
16 **A47751,**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
22 in her official capacity as the Executive Director of the Medical Board of California (Board),
23 Department of Consumer Affairs.

24 2. On or about November 27, 1989, the Medical Board of California issued Physician's
25 and Surgeon's Certificate Number A47751 to Arkady Goldstein, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought
27 herein and will expire on June 30, 2015, unless renewed.

28 ///

3. In a disciplinary action entitled *In the Matter of the Accusation Against Arkady Goldstein, M.D.*, Case No. 06-2008-196422, the Board, issued a decision, effective December 30, 2011, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

4. On March 4, 2014, due to Respondent's failure to obey Condition No. 2 of the Disciplinary Order in Case No. 06-2008-196422, a Cease Practice Order was issued prohibiting Respondent from engaging in the practice of medicine. A copy of the Cease Practice Order is attached as Exhibit B and is incorporated by reference.

JURISDICTION

5. This Petition to Revoke Probation is brought before the Board under the authority of the Board's Decision and Order in Case No. 06-2008-196422, which provides in pertinent part as follows:

“IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A47751, issued to Respondent Arkady Goldstein, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

“ . . .

“2. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine (“Program”).

The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of Respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education in the area of practice in which Respondent was alleged to be deficient and which takes into account data obtained from the assessment, Decision, Accusation, and any other information that

1 the Board or its designee deems relevant. Respondent shall pay all expenses associated with the
2 clinical training program.

3 Based on Respondent's performance and test results in the assessment and clinical
4 education, the Program will advise the Board or its designee of its recommendation(s) for the
5 scope and length of any additional educational or clinical training, treatment for any medical
6 condition, treatment for any psychological condition, or anything else affecting Respondent's
7 practice of medicine. Respondent shall comply with Program recommendations.

8 At the completion of any additional educational or clinical training, Respondent shall
9 submit to and pass an examination. The Program's determination whether or not Respondent
10 passed the examination or successfully completed the Program shall be binding.

11 Respondent shall complete the Program not later than six months after Respondent's initial
12 enrollment unless the Board or its designee agrees in writing to a later time for completion.

13 Failure to participate in and complete successfully all phases of the clinical training
14 program outlined above is a violation of probation.

15 Respondent shall not practice medicine until Respondent has successfully completed the
16 Program and has been so notified by the Board or its designee in writing, except that Respondent
17 may practice in a clinical training program approved by the Board or its designee. Respondent's
18 practice of medicine shall be restricted only to that which is required by the approved training
19 program.

20 If Respondent fails to complete the clinical training program within the designated time
21 period, Respondent shall cease the practice of medicine within 72 hours after being notified by
22 the Board or its designee that respondent failed to complete the clinical training program.

23 "....

24 "13. VIOLATION OF PROBATION Failure to fully comply with any term or condition
25 of probation is a violation of probation. If Respondent violates probation in any respect, the
26 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
27 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,
28 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have

1 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
2 the matter is final.

3 “....”

4 **FIRST CAUSE TO REVOKE PROBATION**

5 **(Failure to Successfully Complete PACE)**

6 6. At all times after the effective date of Respondent’s probation, Condition No. 2 stated
7 in pertinent part: “Within 60 calendar days of the effective date of this Decision, Respondent
8 shall enroll in a clinical training or educational program equivalent to the Physician Assessment
9 and Clinical Education Program (PACE) offered at the University of California - San Diego
10 School of Medicine (‘Program’).

11 “....”

12 “At the completion of any additional educational or clinical training, Respondent shall
13 submit to and pass an examination. The Program’s determination whether or not Respondent
14 passed the examination or successfully completed the Program shall be binding.

15 “....”

16 “Failure to participate in and complete successfully all phases of the clinical training
17 program outlined above is a violation of probation.

18 “Respondent shall not practice medicine until Respondent has successfully completed the
19 Program and has been so notified by the Board or its designee in writing....”

20 7. Respondent’s probation is subject to revocation because he failed to comply with
21 Condition No. 2, referenced above. The facts and circumstances regarding this violation are as
22 follows:

23 a. Respondent participated in Phase I of the PACE Program on or about July 25-26,
24 2013. Overall, Respondent’s performance on the Phase I, two-day assessment was unsatisfactory.
25 For example, Respondent performed in the first percentile on all three multiple choice exams:
26 Mechanisms of Disease, Women’s Health Care, and Family Medicine Clinical Science Subject
27 test. Of note, Respondent was unable to take the two computerized exams, the Microcog
28 cognitive screening exam and the PRIMUM, due to his vision problems. Based on Respondent’s

1 poor performance during Phase I, the Program concluded that there are serious concerns about his
2 ability to practice medicine safely.

3 b. Respondent returned for Phase II on or about January 13-17, 2014. Phase II is a
4 five-day clinical education and assessment program provided in the actual clinical environment of
5 the UC San Diego Medical Center or one of its satellite clinics. It is both a formative and
6 summative assessment of the participant's clinical skills, knowledge, and judgment. Overall,
7 Respondent's performance during Phase II was unsatisfactory. For example, Respondent
8 received an overall clinical competence score of 2.5 on the standardized patient evaluation, failing
9 three of four cases, which is an unsatisfactory performance. He performed incomplete history
10 and physical exams and missed critical diagnoses, putting three patients at risk for severe
11 morbidity and mortality. Overall, his medical knowledge and clinical judgment were deemed
12 unsatisfactory. The Program concluded that there are serious concerns about Respondent's ability
13 to practice medicine safely and that he may put patients at risk should he continue practicing.

14 c. Respondent's overall performance on the Program's comprehensive, seven-day
15 physician assessment is consistent with a fail.

16 8. As set forth above, on March 4, 2014, due to Respondent's failure to obey Condition
17 No. 2 of the Disciplinary Order in Case No. 06-2008-196422, a Cease Practice Order was issued
18 prohibiting Respondent from engaging in the practice of medicine.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board issue a decision:

22 1. Revoking the probation that was granted by the Board in Case No. 06-2008-196422
23 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's
24 Certificate No. A47751 issued to Arkady Goldstein, M.D.;

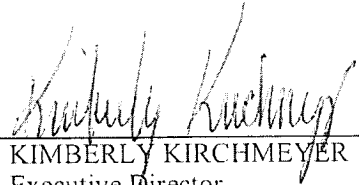
25 2. Revoking or suspending Physician's and Surgeon's Certificate No. A47751 issued to
26 Arkady Goldstein, M.D.;

27 3. Revoking, suspending or denying approval of Arkady Goldstein, M.D.'s authority to
28 supervise physician assistants, pursuant to section 3527 of the Code;

1 4. Ordering Arkady Goldstein, M.D. to pay, if probation is continued or extended, the
2 costs of probation monitoring; and

3 5. Taking such other and further action as deemed necessary and proper.
4

5
6 DATED: June 17, 2015


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 06-2008-196422

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

ARKADY GOLDSTEIN, M.D.)

Case No. 06-2008-196422

Physician's and Surgeon's)
Certificate No. A 47751)

Respondent)
_____)

DECISION

The attached Proposed Stipulation is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 30, 2011.

IT IS SO ORDERED: December 2, 2011.

MEDICAL BOARD OF CALIFORNIA



Shelton Duruisseau, Ph.D., Chair
Panel A

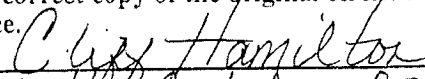
MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true and correct copy of the original on file in this office.

Signature

Title

Date



FOR THE CUSTODIAN OF RECORDS
FEB. 27, 2014

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 MARGARET J. PHE
Deputy Attorney General
4 State Bar No. 207205
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 576-7776
6 Facsimile: (213) 897-9395
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **ARKADY GOLDSTEIN, M.D.**

13 5298 Lindley Avenue
14 Encino, CA 91316

15 Physician's and Surgeon's Certificate No.
A47751,

16 Respondent.

Case No. 06-2008-196422

OAH No. 2011050560

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California (Board), the parties hereby
20 agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to
21 the Board for approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Linda K. Whitney (Complainant) is the Executive Director of the Board. She brought
24 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,
25 Attorney General of the State of California, by Margaret J. Phe, Deputy Attorney General.

26 2. Respondent Arkady Goldstein, M.D. (Respondent) is represented in this proceeding
27 by attorney Michael Miretsky, Esq., whose address is:

28 ///

1 Michael Miretsky, Esq.
2 McCurdy & Leibl, LLP
3 12925 Riverside Drive, Third Floor
4 Sherman Oaks, CA 91423

5 3. On or about November 27, 1989, the Medical Board of California issued Physician's
6 and Surgeon's Certificate No. A47751 to Respondent. The Physician's and Surgeon's Certificate
7 was in full force and effect at all times relevant to the charges brought in Accusation No. 06-
8 2008-196422 and will expire on June 30, 2013, unless renewed.

9 JURISDICTION

10 4. Accusation No. 06-2008-196422 was filed before the Board, and is currently pending
11 against Respondent. The Accusation and all other statutorily required documents were properly
12 served on Respondent on April 22, 2011. Respondent timely filed his Notice of Defense
13 contesting the Accusation. A copy of Accusation No. 06-2008-196422 is attached as exhibit A
14 and incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 06-2008-196422. Respondent has also carefully read,
18 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
22 his own expense; the right to confront and cross-examine the witnesses against him; the right to
23 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
24 the attendance of witnesses and the production of documents; the right to reconsideration and
25 court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 06-2008-196422.

9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A47751, issued to Respondent Arkady Goldstein, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping, at

1 Respondent's expense, approved in advance by the Board or its designee. Failure to successfully
2 complete the course during the first 6 months of probation is a violation of probation.

3 A medical record keeping course taken after the acts that gave rise to the charges in the
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
5 or its designee, be accepted towards the fulfillment of this condition if the course would have
6 been approved by the Board or its designee had the course been taken after the effective date of
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than 15 calendar days after successfully completing the course, or not later than
10 15 calendar days after the effective date of the Decision, whichever is later.

11 2. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective date
12 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent
13 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of
14 California - San Diego School of Medicine ("Program").

15 The Program shall consist of a Comprehensive Assessment program comprised of a two-
16 day assessment of Respondent's physical and mental health; basic clinical and communication
17 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
18 respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education
19 in the area of practice in which Respondent was alleged to be deficient and which takes into
20 account data obtained from the assessment, Decision, Accusation, and any other information that
21 the Board or its designee deems relevant. Respondent shall pay all expenses associated with the
22 clinical training program.

23 Based on Respondent's performance and test results in the assessment and clinical
24 education, the Program will advise the Board or its designee of its recommendation(s) for the
25 scope and length of any additional educational or clinical training, treatment for any medical
26 condition, treatment for any psychological condition, or anything else affecting Respondent's
27 practice of medicine. Respondent shall comply with Program recommendations.

28 At the completion of any additional educational or clinical training, Respondent shall

1 submit to and pass an examination. The Program's determination whether or not Respondent
2 passed the examination or successfully completed the Program shall be binding.

3 Respondent shall complete the Program not later than six months after Respondent's initial
4 enrollment unless the Board or its designee agrees in writing to a later time for completion.

5 Failure to participate in and complete successfully all phases of the clinical training
6 program outlined above is a violation of probation.

7 Respondent shall not practice medicine until Respondent has successfully completed the
8 Program and has been so notified by the Board or its designee in writing, except that Respondent
9 may practice in a clinical training program approved by the Board or its designee. Respondent's
10 practice of medicine shall be restricted only to that which is required by the approved training
11 program.

12 If Respondent fails to complete the clinical training program within the designated time
13 period, Respondent shall cease the practice of medicine within 72 hours after being notified by
14 the Board or its designee that respondent failed to complete the clinical training program.

15 3. PROHIBITED PRACTICE Respondent is prohibited from practicing Obstetrics and
16 Gynecology. After the effective date of this Decision, the first time that a patient seeking the
17 prohibited services makes an appointment, Respondent shall orally notify the patient that
18 Respondent does not practice Obstetrics and Gynecology. Respondent shall maintain a log of all
19 patients to whom the required oral notification was made. The log shall contain the: 1) patient's
20 name, address and phone number; 2) patient's medical record number, if available; 3) the full
21 name of the person making the notification; 4) the date the notification was made; and 5) a
22 description of the notification given. Respondent shall keep this log in a separate file or ledger, in
23 chronological order, shall make the log available for immediate inspection and copying on the
24 premises at all times during business hours by the Board or its designee, and shall retain the log
25 for the entire term of probation. Failure to maintain a log as defined in the section, or to make the
26 log available for immediate inspection and copying on the premises during business hours is a
27 violation of probation.

28 In addition to the required oral notification, after the effective date of this Decision, the first

1 time that a patient who seeks the prohibited services presents to respondent, respondent shall
2 provide a written notification to the patient stating that respondent does not practice Obstetrics
3 and Gynecology. Respondent shall maintain a copy of the written notification in the patient's
4 file, shall make the notification available for immediate inspection and copying on the premises at
5 all times during business hours by the Board or its designee, and shall retain the notification for
6 the entire term of probation. Failure to maintain the written notification as defined in the section,
7 or to make the notification available for immediate inspection and copying on the premises during
8 business hours is a violation of probation.

9 4. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall
10 provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive
11 Officer at every hospital where privileges or membership are extended to Respondent, at any
12 other facility where Respondent engages in the practice of medicine, including all physician and
13 locum tenens registries or other similar agencies, and to the Chief Executive Officer at every
14 insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall
15 submit proof of compliance to the Board or its designee within 15 calendar days.

16 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

17 5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is
18 prohibited from supervising physician assistants.

19 6. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
20 governing the practice of medicine in California, and remain in full compliance with any court
21 ordered criminal probation, payments and other orders.

22 7. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
23 under penalty of perjury on forms provided by the Board, stating whether there has been
24 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
25 not later than 10 calendar days after the end of the preceding quarter.

26 8. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
27 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business
28 and residence addresses. Changes of such addresses shall be immediately communicated in

1 writing to the Board or its designee. Under no circumstances shall a post office box serve as an
2 address of record, except as allowed by Business and Professions Code section 2021, subdivision
3 (b).

4 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
5 Respondent shall maintain a current and renewed California physician's and surgeon's license.

6 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any
7 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
8 calendar days.

9 9. INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent shall be
10 available in person for interviews either at Respondent's place of business or at the probation unit
11 office, with the Board or its designee, upon request at various intervals, and either with or without
12 prior notice throughout the term of probation.

13 10. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
14 leave the State of California to reside or to practice, Respondent shall notify the Board or its
15 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
16 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
17 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

18 All time spent in an intensive training program outside the State of California which has
19 been approved by the Board or its designee shall be considered as time spent in the practice of
20 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
21 period of non-practice. Periods of temporary or permanent residence or practice outside
22 California will not apply to the reduction of the probationary term. Periods of temporary or
23 permanent residence or practice outside California will relieve Respondent of the responsibility to
24 comply with the probationary terms and conditions with the exception of this condition and the
25 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

26 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
27 or permanent residence or practice outside California total two years. However, Respondent's
28 license shall not be cancelled as long as Respondent is residing and practicing medicine in

1 another state of the United States and is on active probation with the medical licensing authority
2 of that state, in which case the two year period shall begin on the date probation is completed or
3 terminated in that state.

4 11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

5 In the event Respondent resides in the State of California and for any reason Respondent
6 stops practicing medicine in California, Respondent shall notify the Board or its designee in
7 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
8 period of non-practice within California, as defined in this condition, will not apply to the
9 reduction of the probationary term and does not relieve Respondent of the responsibility to
10 comply with the terms and conditions of probation. Non-practice is defined as any period of time
11 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in
12 sections 2051 and 2052 of the Business and Professions Code.

13 All time spent in an intensive training program which has been approved by the Board or its
14 designee shall be considered time spent in the practice of medicine. For purposes of this
15 condition, non-practice due to a Board-ordered suspension or in compliance with any other
16 condition of probation, shall not be considered a period of non-practice.

17 Respondent's license shall be automatically cancelled if Respondent resides in California
18 and for a total of two years, fails to engage in California in any of the activities described in
19 Business and Professions Code sections 2051 and 2052.

20 12. COMPLETION OF PROBATION Respondent shall comply with all financial
21 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
22 completion of probation. Upon successful completion of probation, Respondent's certificate shall
23 be fully restored.

24 13. VIOLATION OF PROBATION Failure to fully comply with any term or condition
25 of probation is a violation of probation. If Respondent violates probation in any respect, the
26 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
27 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,
28 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have

1 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
2 the matter is final.

3 14. LICENSE SURRENDER Following the effective date of this Decision, if
4 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
5 the terms and conditions of probation, Respondent may request the voluntary surrender of
6 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
7 exercise its discretion whether or not to grant the request, or to take any other action deemed
8 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
9 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the
10 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
11 longer be subject to the terms and conditions of probation and the surrender of Respondent's
12 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
13 application shall be treated as a petition for reinstatement of a revoked certificate.

14 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated
15 with probation monitoring each and every year of probation, as designated by the Board and
16 which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
17 California and delivered to the Board or its designee no later than January 31 of each calendar
18 year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

19 ACCEPTANCE

20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
21 discussed it with my attorney, Michael Miretsky. I understand the stipulation and the effect it
22 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
23 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Board.

25
26 DATED: 8/25/11

27 A. Goldstein
28 ARKADY GOLDSTEIN, M.D.
Respondent

1 I have read and fully discussed with Respondent Arkady Goldstein, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: 8/25/11


MICHAEL MIRETSKY, ESQ.
Attorney for Respondent

7
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Medical Board of California.

11 Dated: 8/25/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



MARGARET J. PHE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 06-2008-196422

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 MARGARET J. PHE
Deputy Attorney General
4 State Bar No. 207205
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 576-7776
6 Facsimile: (213) 897-9395
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO APR 10 20 2011
BY: L. MONTALBANO ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 06-2008-196422

12 **ARKADY GOLDSTEIN, M.D.**

ACCUSATION

13 5298 Lindley Avenue
14 Encino, CA 91316

15 Physician's and Surgeon's Certificate No.
A47751

16 Respondent.

MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

Signature C. L. Hamilton
FOR THE CUSTODIAN OF RECORDS
Title FEB. 27, 2014
Date

18 Complainant alleges:

19 PARTIES

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California (Board).

22 2. On or about November 27, 1989, the Board issued Physician's and Surgeon's
23 Certificate Number A47751 to Arkady Goldstein, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2011, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2227 of the Code states:

2 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
3 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
4 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
5 action with the division, may, in accordance with the provisions of this chapter:

6 "(1) Have his or her license revoked upon order of the division.

7 "(2) Have his or her right to practice suspended for a period not to exceed one year upon
8 order of the division.

9 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon
10 order of the division.

11 "(4) Be publicly reprimanded by the division.

12 "(5) Have any other action taken in relation to discipline as part of an order of probation, as
13 the division or an administrative law judge may deem proper.

14 "(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
15 review or advisory conferences, professional competency examinations, continuing education
16 activities, and cost reimbursement associated therewith that are agreed to with the division and
17 successfully completed by the licensee, or other matters made confidential or privileged by
18 existing law, is deemed public, and shall be made available to the public by the board pursuant to
19 Section 803.1."

20 5. Section 2234 of the Code states:

21 "The Division of Medical Quality¹ shall take action against any licensee who is charged
22 with unprofessional conduct. In addition to other provisions of this article, unprofessional
23 conduct includes, but is not limited to, the following:

24 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
25 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical
26 Practice Act].

27 ¹ As used herein, the Division of Medical Quality shall also be deemed to refer to the
28 Board. (See Cal. Bus. and Prof. Code, § 2002.)

1 "(b) Gross negligence.

2 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
3 omissions. An initial negligent act or omission followed by a separate and distinct departure from
4 the applicable standard of care shall constitute repeated negligent acts.

5 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for
6 that negligent diagnosis of the patient shall constitute a single negligent act.

7 "(2) When the standard of care requires a change in the diagnosis, act, or omission that
8 constitutes the negligent act described in paragraph (1), including, but not limited to, a
9 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
10 applicable standard of care, each departure constitutes a separate and distinct breach of the
11 standard of care.

12 "(d) Incompetence.

13 "(e) The commission of any act involving dishonesty or corruption which is substantially
14 related to the qualifications, functions, or duties of a physician and surgeon.

15 "(f) Any action or conduct which would have warranted the denial of a certificate."

16 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain
17 adequate and accurate records relating to the provision of services to their patients constitutes
18 unprofessional conduct."

19 FIRST CAUSE FOR DISCIPLINE

20 (Gross Negligence Patient Y.V.)

21 7. Respondent is subject to disciplinary action under section 2234, subdivision (b), for
22 gross negligence in his care and treatment of patient Y.V. The circumstances are as follows:

23 8. On or about December 27, 2007, patient Y.V., then 20-years-old, began treating with
24 Respondent for prenatal care when she was approximately 5 weeks pregnant. During this initial
25 appointment, Respondent failed to perform a bimanual or pelvic examination for purposes of
26 estimating uterine size or pregnancy dating. Y.V. subsequently returned to Respondent's office
27 for prenatal visits on or about January 9, 2008, January 11, 2008, January 28, 2008, February 26,
28 2008, and March 25, 2008. However during all of the aforementioned visits, Respondent again

1 failed to perform a bimanual or pelvic examination.

2 9. Notably, Respondent failed to record an abnormal January 28, 2008 Pap smear² result
3 with a reading of "Low Grade Squamous Intraepithelial Lesion" in Y.V.'s medical records.
4 Moreover, he did not know the significance of the abnormal finding, and he failed to advise the
5 patient of the result or document a plan for evaluation or referral to another physician.

6 10. In Respondent's care and treatment of Y.V., each of the following acts and omissions
7 represent an extreme departure from the standard of care:

8 11. On or about January 28, 2008, and thereafter, Respondent was grossly negligent when
9 he failed to advise Y.V. of the abnormal Pap smear result with a reading of Low Grade Squamous
10 Intraepithelial Lesion and document a plan for evaluation or referral to another physician.

11 SECOND CAUSE FOR DISCIPLINE

12 (Gross Negligence Patient E.G.)

13 12. Respondent is subject to disciplinary action under section 2234, subdivision (b), for
14 gross negligence in his care and treatment of patient E.G. The circumstances are as follows:

15 13. On or about December 21, 2007, Patient E.G., then 21- years-old, began treating with
16 Respondent for prenatal care when she was approximately 6 weeks pregnant. E.G. subsequently
17 returned for one additional prenatal visit on January 18, 2008, during which a Pap smear was
18 performed. During both visits, Respondent failed to perform a bimanual or pelvic examination
19 for purposes of estimating uterine size or gestational age. Laboratory data from the January 18,
20 2008 Pap smear revealed an abnormal result with a reading of "Low Grade Squamous
21 Intraepithelial Lesion (LGSIL) Consistent with HPV³ effect/CIN I" that was signed by

22 ² The Papanicolaou test (also called Pap smear, Pap test, cervical smear, or smear test) is a
23 screening test used in gynecology to detect premalignant and malignant (cancerous) processes in
24 the ectocervix. Significant changes can be treated, thus preventing cervical cancer. The test was
invented by and named after the prominent Greek doctor Georgios Papanikolaou.

25 In taking a Pap smear, a speculum is used to gather cells from the outer opening of the
26 cervix of the uterus and the endocervix. The cells are examined under a microscope to look for
27 abnormalities. The test aims to detect potentially pre-cancerous changes (called cervical
intraepithelial neoplasia (CIN) or cervical dysplasia), which are usually caused by sexually
transmitted human papillomaviruses (HPVs). The test may also detect infections and
abnormalities in the endocervix and endometrium.

28 ³ Genital human papillomavirus (also called HPV) is the most common sexually

(continued...)

1 Respondent even though he did not know the significance of the abnormal finding. Further, he
2 failed to notify the patient of the result, document a plan for evaluation, or refer her to another
3 physician.

4 14. In Respondent's care and treatment of E.G., each of the following acts and omissions
5 represent an extreme departure from the standard of care:

6 15. On or about January 18, 2008, and thereafter, Respondent was grossly negligent when
7 he failed to advise E.G. of the abnormal Pap smear result with a reading of Low Grade Squamous
8 Intraepithelial Lesion and document a plan for evaluation or referral to another physician.

9 THIRD CAUSE FOR DISCIPLINE

10 (Gross Negligence Patient V.V.)

11 16. Respondent is subject to disciplinary action under section 2234, subdivision (b), for
12 gross negligence in his care and treatment of patient V.V. The circumstances are as follows:

13 17. On or about October 8, 2007, Patient V.V., then 19-years-old, began treating with
14 Respondent for family planning care and Depo Provera⁴ injections. During this initial
15 appointment, V.V. described being sexually active and having experienced urinary frequency for
16 2 days. However, an exam was not recorded and a urine dip was positive only for trace protein.
17 Despite the absence of diagnoses in the chart, Respondent prescribed V.V. Ciprofloxacin.⁵

18
19 transmitted infection. There are more than 40 HPV types that can infect the genital areas of males
20 and females. These HPV types can also infect the mouth and throat. Most people who become
21 infected with HPV do not even know they have it. HPV is not the same as herpes or HIV (the
22 virus that causes AIDS). These are all viruses that can be passed on during sex, but they cause
23 different symptoms and health problems. Certain types of HPV can cause genital warts in males
24 and females. Other HPV types can cause cervical cancer. These types can also cause other, less
25 common but serious cancers, including cancers of the vulva, vagina, penis, anus, and head and
26 neck (tongue, tonsils and throat).

27 ⁴ Depo Provera is a form of progesterone, a female hormone that prevents ovulation (the
28 release of an egg from an ovary). Depo Provera also causes changes in the cervical mucus and
uterine lining, making it harder for sperm to reach the uterus and harder for a fertilized egg to
attach to the uterus. Depo Provera is used as a contraceptive to prevent pregnancy. It is also used
to reduce pain cause by endometriosis.

⁵ Ciprofloxacin is used to treat or prevent certain infections caused by bacteria.
Ciprofloxacin extended-release (long-acting) tablets are used only to treat certain types of urinary
tract infections. Ciprofloxacin is in a class of antibiotics called fluoroquinolones. It works by
killing bacteria that cause infections.

1 Respondent also provided the Depo Provera injection to the patient.

2 18. On or around November 28, 2007, patient V.V. returned to Respondent's office
3 complaining of pelvic pain for 3 days. However, Respondent failed to record any additional
4 history. Rather, Respondent recorded V.V.'s exam as "pt examined no abnormalities." Further,
5 Respondent failed to record any assessments or additional tests. Respondent's only plan for the
6 patient was for her to return for the next Depo Provera injection.

7 19. On or about December 27, 2007, V.V. returned to Respondent's office for the next
8 scheduled Depo Provera injection. Her last menstrual period was recorded as October 7, 2007,
9 but the pregnancy test was negative.

10 20. In Respondent's care and treatment of V.V., each of the following acts and omissions
11 represent an extreme departure from the standard of care:

12 21. On or about November 28, 2007, and thereafter, Respondent was grossly negligent
13 when he failed to record a history, a detailed physical exam, and assessments and plans for V.V.

14 22. On or about November 28, 2007, and thereafter, Respondent was grossly negligent
15 when he failed to rule out the diagnoses of pelvic inflammatory disease,⁶ ectopic pregnancy,⁷ and
16 sexually transmitted infections for V.V.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Repeated Negligent Acts)

19 23. Respondent is subject to disciplinary action under section 2234, subdivision (c), in
20 that he committed repeated negligent acts in his care and treatment of patients Y.V., E.G., and
21 V.V. The circumstances are as follows:

22 ⁶ Pelvic inflammatory disease (PID) is inflammation of the female genital tract, especially
23 of the fallopian tubes, caused by any of several microorganisms, chiefly chlamydia and
24 gonococci, and characterized by severe abdominal pain, high fever, vaginal discharge, and in
some cases destruction of tissue that can result in sterility.

25 ⁷ An ectopic pregnancy occurs when a pregnancy starts outside the womb (uterus). The
26 most common site for an ectopic pregnancy is within one of the tubes through which the egg
27 passes from the ovary to the uterus (fallopian tube). However, in rare cases, ectopic pregnancies
28 can occur in the ovary, stomach area, or cervix. An ectopic pregnancy is often caused by a
condition that blocks or slows the movement of a fertilized egg through the fallopian tube to the
uterus.

Patient Y.V.

24. Paragraphs 8 through 9, inclusive, above are incorporated by reference herein as if fully set forth.

25. In Respondent's care and treatment of patient Y.V., the following acts and omissions constitute negligent acts:

26. On or about January 28, 2008, and thereafter, Respondent was negligent when he failed to advise Y.V. of the abnormal Pap smear result with a reading of Low Grade Squamous Intraepithelial Lesion and document a plan for evaluation or referral to another physician.

27. On or about December 27, 2007, and thereafter, Respondent was negligent when he failed to perform a bimanual or pelvic examination for purposes of estimating uterine size or pregnancy dating.

28. On or about December 27, 2007, and thereafter, Respondent was negligent when he used medical assistants not under his direct visual or physical supervision to perform bimanual examinations for purposes of estimating uterine size or pregnancy dating.

Patient E.G.

29. Paragraph 13, inclusive, above is incorporated by reference herein as if fully set forth.

30. In Respondent's care and treatment of patient E.G., the following acts and omissions constitute repeated negligent acts:

31. On or about January 18, 2008, and thereafter, Respondent was negligent when he failed to advise E.G. of the abnormal Pap smear result with a reading of Low Grade Squamous Intraepithelial Lesion and document a plan for evaluation or referral to another physician.

32. On or about December 21, 2007, and thereafter, Respondent was negligent when he failed to perform a bimanual or pelvic examination for purposes of estimating uterine size or pregnancy dating.

33. On or about December 21, 2007, and thereafter, Respondent was negligent when he used medical assistants not under his direct visual or physical supervision to perform bimanual examinations for purposes of estimating uterine size or pregnancy dating.

///

Patient V.V.

34. Paragraphs 17 through 19, inclusive, above are incorporated by reference herein as if fully set forth.

35. On or about October 8, 2007, and thereafter, Respondent was negligent when he failed to record a history, review of systems, or a physical exam relative to V.V.'s complaint of urinary frequency.

36. On or about October 8, 2007, and thereafter, Respondent was negligent when he treated the patient without indication.

37. On or about November 28, 2007, and thereafter, Respondent was negligent when he failed to record a history, a detailed physical exam, and assessments and plans for V.V.

38. On or about November 28, 2007, and thereafter, Respondent was negligent when he failed to rule out the diagnoses of pelvic inflammatory disease, ectopic pregnancy, and sexually transmitted infections for V.V.

FIFTH CAUSE FOR DISCIPLINE

(Incompetence)

39. Respondent is subject to disciplinary action under section 2234, subdivision (d), in that he exhibited incompetence in his care and treatment of patients Y.V., E.G., and V.V. The circumstances are as follows:

Patient Y.V.

40. Paragraph 8 through 9 and 24 through 28, inclusive, above are incorporated by reference herein as if fully set forth.

41. In Respondent's care and treatment of patient Y.V., he exhibited incompetence by the following acts and omissions:

42. On or about January 28, 2008, and thereafter, Respondent was incompetent as reflected in his failure to advise Y.V. of the abnormal Pap smear result with a reading of Low Grade Squamous Intraepithelial Lesion and document a plan for evaluation or referral to another physician.

43. On or about January 28, 2008, and thereafter, Respondent was incompetent as

1 reflected in his lack of knowledge regarding the proper interpretation of a test that he performed
2 and signed in his office.

3 Patient E.G.

4 44. Paragraph 13 and 29 through 33, inclusive, above are incorporated by reference
5 herein as if fully set forth.

6 45. In Respondent's care and treatment of patient E.G., he exhibited incompetence by the
7 following acts and omissions:

8 46. On or about January 18, 2008, and thereafter, Respondent was incompetent as
9 reflected in his failure to advise E.G. of the abnormal Pap smear result with a reading of Low
10 Grade Squamous Intraepithelial Lesion and document a plan for evaluation or referral to another
11 physician.

12 47. On or about January 18, 2008, and thereafter, Respondent was incompetent as
13 reflected in his lack of knowledge regarding the proper interpretation of a test that he performed
14 and signed in his office.

15 Patient V.V.

16 48. Paragraphs 17 through 19 and 34 through 38, inclusive, above are incorporated by
17 reference herein as if fully set forth.

18 49. On or about November 28, 2007, and thereafter, Respondent was incompetent as
19 reflected in his failure to record a history, a detailed physical exam, and assessments and plans for
20 V.V.

21 50. On or about November 28, 2007, and thereafter, Respondent was incompetent as
22 reflected in his failure to rule out the diagnoses of pelvic inflammatory disease, ectopic
23 pregnancy, and sexually transmitted infections for V.V.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Failure to Maintain Adequate and Accurate Medical Records)

26 51. Respondent is subject to disciplinary action under section 2266 in that he failed to
27 maintain adequate and accurate medical records relating to his care and treatment of patients
28 Y.V., E.G., and V.V. The circumstances are as follows:

Patient Y.V.

52. Paragraph 8 through 9, inclusive, above are incorporated by reference herein as if fully set forth.

53. On or about January 28, 2008, and thereafter, Respondent failed to document that he had advised Y.V. of the abnormal Pap smear result with a reading of Low Grade Squamous Intraepithelial Lesion, and he failed to document a plan for evaluation or referral to another physician.

Patient E.G.

54. Paragraph 13, inclusive, above is incorporated by reference herein as if fully set forth.

55. On or about January 18, 2008, and thereafter, Respondent failed to document that he had advised E.G. of the abnormal Pap smear result with a reading of Low Grade Squamous Intraepithelial Lesion, and he failed to document a plan for evaluation or referral to another physician.

Patient V.V.

56. Paragraphs 17 through 19, inclusive, above are incorporated by reference herein as if fully set forth.

57. On or about November 28, 2007, and thereafter, Respondent failed to record a history, a detailed physical exam, and assessments and plans for V.V.

58. On or about November 28, 2007, and thereafter, Respondent failed to rule out the diagnoses of pelvic inflammatory disease, ectopic pregnancy, and sexually transmitted infections for V.V.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

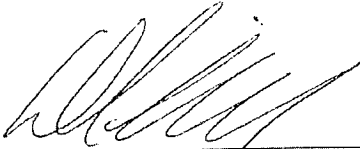
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A47751,
5 issued to Arkady Goldstein, M.D.;

6 2. Revoking, suspending or denying approval of Respondent's authority to supervise
7 physician assistants, pursuant to section 3527 of the Code;

8 3. Ordering Arkady Goldstein, M.D. to pay the Board, if placed on probation, the costs
9 of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11
12
13 DATED: April 22, 2011


14 LINDA K. WHITNEY
15 Executive Director
16 Medical Board of California
17 State of California
18 Complainant

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Exhibit B

Cease Practice Order

Medical Board of California Case No. 06-2008-196422

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of Accusation against:

ARKADY GOLDSTEIN, M.D.

Physician's & Surgeon's
Certificate No. A 47751

Respondent.

Case No. 06-2008-196422

CEASE PRACTICE ORDER

In the Medical Board of California (Board) Case No. 06-2008-196422, the Board issued a Decision adopting a Stipulated Settlement and Disciplinary Order, which became effective December 30, 2011. In the Board's Order, Physician's and Surgeon's License No. A 47751, issued to ARKADY GOLDSTEIN, M.D., was revoked, stayed, and placed on 5 years probation with certain terms and conditions.

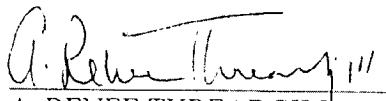
Disciplinary Order No. 2. "Clinical Training Program," which states in part, "Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California – San Diego School of Medicine (Program)."

"Failure to participate in and complete successfully all phases of the clinical training program outlined above is a violation of probation."

"If Respondent fails to complete the clinical training program within the designated time period, Respondent shall cease the practice of medicine within 72 hours after being notified by the Board or its designee that Respondent failed to complete the clinical training program."

The Respondent has failed to obey Disciplinary Order No. 2 as mandated in the above Decision, by failing to complete the clinical training program. Accordingly, within 72 hours from the date of this Order, Respondent, ARKADY GOLDSTEIN, M.D., is prohibited from engaging in the practice of medicine.

IT IS SO ORDERED March 4, 2014 at 5:00 p.m.


A. RENEE THREADGILL
Chief of Enforcement